IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6133 OF 2006

Subhash Namdeo Padwal Petitioner
versus
Sub Divisional Officer,
Dimbe Right Bank Canal & others Respondents

Mr.S.S.Pakale for petitioner.
Mrs.S.S.Bhende, AGP for respondents 1 to 4.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 22nd January 2007

PC :

1. The petitioner filed a complaint under the provisions of MRTU & PULP Act and an order came to be passed on 4th April 1997 directing the respondents to absorb the complainants in service in view of GR dated 1st December 1995. There is subsequent correspondence that the representation of the petitioners have been considered, yet the petitioner was not reinstated and hence the present petition.

2. The respondents have filed the reply of D.K.Pokharkar. In paras 6 and 7 of the said it

is pointed out that in terms of the GR, an employee to get the benefits, must be in service as on 31st March 1993. The petitioner was not in service since 1st March 1991 and as such cannot be entitled to the said benefit.

3. That issue was an issue before the Industrial Court. The respondents have not challenged the said order. It will, therefore, be open for the petitioner to take such steps to which he is entitled to enforce the order of Industrial Court. Once the order is in favour of the petitioner, this Court would not exercise the writ jurisdiction but leave it open to the parties to take appropriate actions. With these observations the petition is disposed off. Considering that the petitioner is representing and pursuing the matter, if there is any delay, in taking out proceedings before the Labour Court/Industrial Court the respondents will not raise issue of limitation and the matter will be heard on merits.

(R.V.MORE, J.) (F.I.REBELLO, J.)